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AO-170 (Rev. 2/99)

OCT 19 2009

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**REPORT ON THE
 FILING OR DETERMINATION OF AN
 ACTION REGARDING A PATENT OR
 TRADEMARK**

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following Patents or Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
CV 09-04612 HRL	9/30/2009	280 North First Street, Rm 2112, San Jose, CA 95113
PLAINTIFF	DEFENDANT	
WORDTECH SYSTEMS, INC.	MICROBOARDS MANUFACTURING LLC, ET AL	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,141,298		SEE ATTACHED COMPLAINT
2 6,532,198		
3 6,822,1932		
4 7,145,841		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1					
2					
3					
4					
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT	

CLERK	(BY) DEPUTY CLERK	DATE
Richard W. Wieking	Betty Walton	

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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13 Attorneys for Plaintiff,
14 WORDTECH SYSTEMS, INC.

15 WORDTECH SYSTEMS INC.,

16 Plaintiff,

17 v.

18 MICROBOARDS MANUFACTURING, L.L.C.,
19 MICROBOARDS TECHNOLOGY, L.L.C.,
20 OCTAVE SYSTEMS, INC., and DOES 1-50;

21 Defendants.

22 Plaintiff, WORDTECH SYSTEMS Inc. ("WORDTECH"), a California corporation, in and
23 through its attorneys, alleges:

24 **THE PARTIES**

- 25 1. Plaintiff, WORDTECH is a corporation organized under the laws to the State of California with its
26 principal place of business located at Concord, California.
27 2. On information and belief, defendant MICROBOARDS MANUFACTURING, L.L.C. is a Limited
28 Liability Company doing business in the State of California with its principal place of business in
Salida, CA.

ORIGINAL FILED

SEP 30 2009

Richard W. Wiesking
Clerk, U.S. District Court
Northern District of California
San Jose

C09 04612 HRL

Case No.:

**COMPLAINT FOR PATENT
INFRINGEMENT AND
DEMAND FOR JURY TRIAL**

- 1 3. On information and belief, defendant MICROBOARDS TECHNOLOGY, L.L.C. is a Limited
2 Liability Company doing business in the State of Minnesota with its principal place of business in
3 Chanhassen, MN. MICROBOARDS MANUFACTURING, L.L.C. and MICROBOARDS
4 TECHNOLOGY L.L.C. will be collectively referred to as "MICROBOARDS".
- 5 4. On information and belief, Octave Systems, Inc. ("OCTAVE"), is a California Corporation doing
6 business in the State of California with its principal place of business in Campbell, CA.
- 7 5. WORDTECH is ignorant of the true names or capacities of the defendants sued herein under the
8 fictitious names of DOES 1 -50 inclusive. WORDTECH will amend this Complaint to allege their
9 true names and capacities when ascertained. WORDTECH is informed and believes and thereon
10 alleges that each of the fictitiously named defendants is responsible in some manner for the
11 occurrences herein alleged, and that WORDTECH's injuries as alleged herein were proximately
12 caused by the wrongful conduct of these fictitiously named defendants.
- 13 6. WORDTECH is informed and believes and thereon alleges that at all times herein, OCTAVE and
14 MICROBOARDS (Collectively, "DEFENDANTS") were the agents, servants, and /or employees
15 of their codefendants and in doing the things alleged herein were acting within the course and
16 scope of their authority with the permission and consent of their codefendants.

JURISDICTION AND VENUE

18 7. This action arises under the patent laws of the United States, 35 U.S. C. §§ 271, 281, and 283-285.
19 8. Subject matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1338(a).
20 9. Venue is proper in this Court under 28 U.S. C. §§ 1391(b) and 1391(c) and/or 1400(b).

INTRADISTRICT ASSIGNMENT

22 10. This is an Intellectual Property Action under this Court's Assignment Plan, and therefore
23 assignment to any Division of the Court is proper per local rules.

BACKGROUND

26 11. On October 31, 2000, the U.S. Patent Office issued U.S. Patent No. 6,141,298, entitled
27 Programmable Self-Operating Compact Disk Duplication System, listing David Miller as the
28 inventor (“Patent ‘298”). A true and correct copy of Patent ‘298 is attached hereto as **Exhibit 1**.

- 1 12. On March 11, 2003, the U.S. Patent Office issued a patent, U.S. Patent No. 6,532,198 entitled
2 Programmable Self-Operating Compact Disk Duplication System, listing David Miller as the
3 inventor ("Patent '198). A true and correct copy of Patent '198 is attached hereto as **Exhibit 2**.
4 13. On or about November 23, 2004, the U.S. Patent Office issued a patent, U.S. Patent No. 6,822,932
5 entitled Programmable Self-Operating Compact Disk Duplication System, listing David Miller as
6 the inventor ("Patent '932). A true and correct copy of Patent '932 is attached hereto as **Exhibit 3**.
7 14. On or about November 23, 2004, the U.S. Patent Office issued a patent, U.S. Patent No. 7,145,841
8 entitled Programmable Self-Operating Compact Disk Duplication System, listing David Miller as
9 the inventor ("Patent '841). A true and correct copy of Patent '841 is attached hereto as **Exhibit 4**.
10 15. WORDTECH is sole and exclusive owner by assignment by the inventor, David Miller, of all
11 rights, title, and interest in Patents '298, '198, '932, and '841, and has the right to bring this suit for
12 damages and injunctive relief. True and correct copies of the assignments are attached hereto as
13 **Exhibit 5**.
14 16. Patents '298, '198, '932, and '841 relate to a Programmable Self-Operating Compact Disk
15 Duplication System, including, *inter alia*, five basic elements: (1) At least one disk copying drive;
16 (2) disk stackers; (3) A rotary transport tower with a vertical axis; (4) vertically positionable disk
17 picker that is rotatable about the vertical axis; and (5) Some ability to control the actions above, or
18 any device that is covered by one or more claims of one or more of the Patents.
19 17. WORDTECH has complied with the marking requirements as set forth in Title 35 U.S.C. §287.

20 **COUNT I**

21 **(Infringement of U.S. Patent 6,141,298)**

- 22 18. Plaintiff hereby incorporates paragraphs 1-17 above, inclusive, by this reference.
23 19. On information and belief, DEFENDANTS, without a license from WORDTECH, are in the
24 business of, *inter alia*, making, using, selling, importing and/or offering to sell programmable self-
25 operating compact disc duplication systems ("DEVICES") that have each of the elements of and
26 infringe one or more claims of the '298 patent, literally or under the doctrine of equivalents.
27 20. On information and belief, by making, using, selling, importing and or offering to sell DEVICES,
28 DEFENDANTS have directly and contributorily infringed and have actively induced others to

infringe and will continue to directly and contributorily infringe and actively induce others to infringe one or more of the claims of Patent '298 under 35 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

21. DEFENDANTS have been informed that a license was needed under Patent '298.

22. On information and belief, DEFENDANTS' infringement of Patent '298 has been and continues to be willful, deliberate and objectively reckless entitling WORDTECH to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

23. As a direct and proximate consequence of the acts and practices of DEFENDANTS, plaintiff WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of defendant are enjoined by the Court, plaintiff will continue to be injured in its business and property rights and has suffered and is suffering and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S. C. § 284.

COUNT II

(Infringement of U.S. Patent 6,532,198)

24. Plaintiff hereby incorporates paragraphs 1-23 above, inclusive, by this reference.

25. On information and belief, DEFENDANTS, without a license from WORDTECH, are in the business of, *inter alia*, making, using, selling, importing and/or offering to sell DEVICES that have each of the elements of and infringe one or more claims of the ‘198 patent, literally or under the doctrine of equivalents.

26. On information and belief, by making, using, selling, importing and or offering to sell DEVICES, DEFENDANTS have directly and contributorily infringed and have actively induced others to infringe and will continue to directly and contributorily infringe and actively induce others to infringe one or more of the claims of Patent '198 under 35 U.S.C. § 271 (a), (b), (c) and/or (f) literally or under the doctrine of equivalents.

27. DEFENDANTS have been informed that a license was needed under Patent '198.

28. On information and belief, DEFENDANTS' infringement of Patent '198 has been and continues to be willful, deliberate and objectively reckless entitling WORDTECH to increased damages under

35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

3 29. As a direct and proximate consequence of the acts and practices of DEFENDANTS, plaintiff
4 WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of
5 defendant are enjoined by the Court, plaintiff will continue to be injured in its business and
6 property rights and has suffered and is suffering and will continue to suffer injury and damages for
7 which it is entitled to relief under 35 U.S.C. § 284.

COUNT III

(Infringement of U.S. Patent No. 6,822,932)

10 30. Plaintiff hereby incorporates paragraphs 1-29 above, inclusive, by this reference.

11 31. On information and belief, DEFENDANTS, without a license from WORDTECH, are in the

12 business of, *inter alia*, making, using, selling, importing and/or offering to sell DEVICES that have

13 each of the elements of and infringe one or more claims of the '932 patent, literally or under the

14 doctrine of equivalents.

15 32. On information and belief, by making, using, selling, importing and or offering to sell DEVICES,

16 DEFENDANTS have directly and contributorily infringed and have actively induced others to

17 infringe and will continue to directly and contributorily infringe and actively induce others to

18 infringe one or more of the claims of Patent '932 under 35 U.S.C. § 271 (a), (b), (c) and/or (f)

19 literally or under the doctrine of equivalents.

20 33. DEFENDANTS have been informed that a license was needed under Patent '932.

21 34. On information and belief, DEFENDANTS' infringement of Patent '932 has been and continues to

22 be willful, deliberate and objectively reckless entitling WORDTECH to increased damages under

23 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.

24 § 285.

25 35. As a direct and proximate consequence of the acts and practices of DEFENDANTS, plaintiff

26 WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of

27 defendant are enjoined by the Court, plaintiff will continue to be injured in its business and

28 property rights and has suffered and is suffering and will continue to suffer injury and damages for

which it is entitled to relief under 35 U.S.C. § 284.

COUNT IV

(Infringement of Patent 7,145,841)

- 4 36. Plaintiff hereby incorporates paragraphs 1-35 above, inclusive, by this reference.

5 37. On information and belief, DEFENDANTS, without a license from WORDTECH, are in the

6 business of, *inter alia*, making, using, selling, importing and/or offering to sell DEVICES that have

7 each of the elements of and infringe one or more claims of the '841 patent, literally or under the

8 doctrine of equivalents.

9 38. On information and belief, by making, using, selling, importing and or offering to sell DEVICES,

10 DEFENDANTS have directly and contributorily infringed and have actively induced others to

11 infringe and will continue to directly and contributorily infringe and actively induce others to

12 infringe one or more of the claims of Patent '841 under 35 U.S.C. § 271 (a), (b), (c) and/or (f)

13 literally or under the doctrine of equivalents.

14 39. DEFENDANTS have been informed that a license was needed under Patent '841.

15 40. On information and belief, DEFENDANTS' infringement of Patent '841 has been and continues to

16 be willful, deliberate and objectively reckless entitling WORDTECH to increased damages under

17 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C.

18 § 285.

19 41. As a direct and proximate consequence of the acts and practices of DEFENDANTS, plaintiff

20 WORDTECH has been, is being, and continues to be damaged; unless such acts and practices of

21 defendant are enjoined by the Court, plaintiff will continue to be injured in its business and

22 property rights and has suffered and is suffering and will continue to suffer injury and damages for

23 which it is entitled to relief under 35 U.S.C. § 284.

PRAYER FOR RELIEF

25 | WHEREFORE, plaintiff prays for the entry of a judgment from this Court:

- 26 a. Declaring that United States Patent No. 6,141,298 was duly and legally issued, and is valid and
27 enforceable;

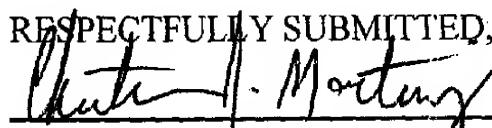
28 b. Declaring that United States Patent No. 6,532,198 was duly and legally issued, and is valid and

- 1 enforceable;
- 2 c. Declaring that United States Patent No. 6,822,932 was duly and legally issued, and is valid and
- 3 enforceable;
- 4 d. Declaring that United States Patent No. 7,145,841 was duly and legally issued, and is valid and
- 5 enforceable;
- 6 e. Declaring that DEFENDANTS collectively and individually have directly infringed, contributorily
- 7 infringed, and/or induced infringement of one or more claims of Patents '298, '198, '932, and '841;
- 8 f. Declaring that DEFENDANTS have collectively and individually acted with objective recklessness
- 9 and willfully infringed one or more claims of Patents '298, '198, 932, and 841, entitling Plaintiff to
- 10 enhanced damages;
- 11 g. Deeming this to be an exceptional case within the meaning of 35 U.S.C. § 285, entitling Plaintiff
- 12 WORDTECH, to an award of its reasonable attorneys' fees expense and costs in this action from
- 13 DEFENDANTS; and
- 14 h. Preliminarily and permanently enjoining DEFENDANTS, and its respective officers, agents,
- 15 servants employees, and attorneys and those persons in active concert or participation with them
- 16 who receive notice of the order by personal service or otherwise, from committing further acts of
- 17 infringement under 35 U.S.C. § 271 of one or more claims of Patents '298, '198, '932, and '841
- 18 pursuant to 35 U.S. C § 283;
- 19 i. Awarding Plaintiff damages in accordance with 35 U.S. C. § 284;
- 20 j. Awarding Plaintiff its costs in connection with this action;
- 21 k. Awarding Plaintiff such other and further relief as this Court may deem to be just and proper.

22 **JURY DEMAND**

23 Plaintiff requests a trial by jury of all issues so triable.

24
25 DATE: September 28, 2009

26 RESPECTFULLY SUBMITTED,


27
28 Christian J. Martinez
Attorney for Plaintiff,
Wordtech Systems, Inc.